

MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, FEBRUARY 26, 2019
MEETING ROOM B - THIRD FLOOR COURTHOUSE

Members Present: Amos Baer, Randy Schellack, Bill Davis, Jenny Mongeau, Andrea Koczur, Joel Paulsen

Members Absent: Tim Brendemuhl, Mark Klevgaard, Dan Langseth, Curt Stubstad

Others Present: Hali Durand, Tony Weigel, Emma Notermann, Rita Rueckert, Steve Mortensen, Steve Vigesaa, Danielle Kukowski, Ray Amundson, Brady Amundson, Austin Storms, Jon Lowry

ELECTION OF OFFICERS

- **Chair**
- **Vice-Chair**
- **Secretary**

Elections were held. Amos Baer was re-elected as Chair.

A second election was held for Vice-Chair and Secretary positions with Andrea Koczur re-elected as Vice-Chair and Mark Klevgaard re-elected as Secretary.

APPROVAL OF AGENDA

On motion by Jenny Mongeau seconded by Joel Paulsen, and unanimously carried, the Planning Commission approved the Agenda.

APPROVAL OF MINUTES

On motion by Jenny Mongeau, seconded by Bill Davis, and unanimously carried, the Planning Commission approved the January 15, 2019 Minutes as presented.

CITIZENS TO BE HEARD

There were no citizens to be heard on matters not on the Agenda.

CV PROPERTIES – REQUEST FOR PLATTED (MAJOR) SUBDIVISION

The applicant is seeking approval to plat a 16-lot subdivision on parcel 23.010.1004, part of the Northeast Quarter of Section 10, Township 140 North, Range 48 West, Oakport Township.

On motion by Bill Davis, seconded by Andrea Koczur, and unanimously carried, the Planning Commission opened the public hearing.

Hali Durand, Planning Director, stated that the urban expansion area and the boundaries for the extra-territorial area for Moorhead are close but not overlapping. City of Moorhead had asked that this be publicly stated. There are 16 lots being considered with one of the lots being storm water retention. A review was made of the overlay of the plats. A purchase agreement is in place from

the current owner to the Applicant.

The road named 80th will need to be extended to service the last 3 plats. The road is a low-maintenance road and built to good standards but needs to be continued to service the last 3 lots. Oakport Township has had discussions with the Clay County Highway Department discussing the road situations and required upgrades needed. Ordinance states that major subdivisions cannot be built along minimal maintenance roads. The internal roadway will be named 79th Avenue. No topographical items are noted. The Conditional Use Permit is required because the soil is high yield farmland. A well and drilling report will be required for water and septic systems. There have been comments from the public received by Durand. One was from a nearby horse stable concerned about additional traffic in the area and that impact to the horse stable already there. Durand suggested buffers such as tree lines be utilized to minimize the impact to the surrounding area.

Amos Baer questioned if the horse stables are considered a feedlot. Durand stated that she did not believe so as they are under 50 animal unit and there is also a permit in place for the horse stables. He also clarified the necessary buffer required for a subdivision.

Danielle Kukowski spoke as representative of CV Properties. Also, Jon Lowry of Lowry Engineering spoke, stating that he is pleased to be able to present an opportunity for development just outside of Moorhead city limits. Baer questioned if the developer would be in agreement to include the previously discussed buffers. Lowry advised that the Applicant would be planting a tree line prior to development beginning. Baer brought up the current road situation and asked if there was a determination as to who would be paying for the upgrade on that road. Kukowski stated that it had not yet been determined who would be paying for the road but they would be in discussions about this. Lowry stated that he believes it is common for the developer to provide roadways. Baer also asked about drainage and inquired if the developer would be incurring the costs of the drainage. There is a pond lot included to allow for drainage. There would be a trail for walking and cross-country skiing that would go around the development, including the pond lot. There are also 3 culverts included in the plans for proper drainage and are to be paid for by the developer. Individual lot owners would be responsible for any culverts required at their driveways/access. There was discussion about making modifications to the walking trail.

Steve Vigasaa questioned the amount of developments going into this area. He is concerned about the drainage because the 30 acres retain a lot of water and it drains through a culvert on his property. He is concerned about his property taking on additional water because of the proposed subdivision draining through his lot. He is asking for some type of drainage to be dug out every year to preserve his property. Durand reviewed the FEMA overlay for that area. Vigasaa states that both Highway 26 and 40th Street take on water almost every year. Vigasaa stated that he doesn't have any issues regarding the houses, but is only concerned about the drainage.

Ray Amundson is a neighbor and asked if there are any covenants applied to this subdivision. He was given a copy of the covenants and also received clarification from Jon Lowry of Lowry Engineering. Lowry clarified that the developer intends to follow county and state laws. Amundson talked about the Borgen development and the buffer on that subdivision that includes a tree row planted by the County and also a pasture.

On motion by Randy Shellack, seconded by Bill Davis, and unanimously carried, the Planning Commission closed the public hearing.

Jenny Mongeau clarified that this hearing was only to make a recommendation to be sent to the County Commissioners Board.

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit. All the items can be addressed with conditions and none of them warranted further discussion.

#1 - Effective Use – Koczur brought up the drainage issue to protect the Vigessaa property.

#4 – Utilities, Access Roads, Drainage, Off-Street Parking and Loading Spaces – Mongeau indicated that the road upgrade should be included and addressed with the township and County Highway Department. Baer indicates this should include the quality of the road and the drainage; and that the internal road should also be included as the county would be bringing in their equipment for maintenance (snow removal, etc.)

#7 – Compatibility – Koczur asked that screening between the development and the horse stables be included.

#10 – Consistency with Ordinance - Baer stated that the issue of the highly-productive farmland should be included. Durand stated that this would also be true of #11 – Conflict with Comprehensive Plans. She also stated that the city of Moorhead does expect that there will be further development in this area and they have already planned for. Davis pointed out that all of the surrounding land is of the same high-yield quality and that several other developments have already been allowed in that area.

On motion by Bill Davis, seconded by Andrea Koczur, and unanimously carried, the Planning Commission approved the recommendation to submit to the County Board of Commissioners for the platted subdivision to include any culverts required for drainage to prevent ponding on other properties, building up the township road and building the internal road to the specifications of the County Highway Department; and also to include appropriate buffers between the development and the neighboring properties and horse stables.

CV PROPERTIES – REQUEST FOR CONDITIONAL USE PERMIT

The applicant is seeking approval of a conditional use permit for a major subdivision in an AG District that is not a cluster subdivision and is not located on wooded or marginal soils, on parcel 23.010.1004, part of the Northeast Quarter of Section 10, Township 140 North, Range 48 West, Oakport Township.

On motion by Randy Shellack, seconded by Joel Paulsen, and unanimously carried, the Planning Commission opened the public hearing.

Hali Durand, Planning Director, referred back to the previous hearing which included buffering, roadways and proper drainage.

There were no citizens from the public wishing to be heard about the Conditional Use Permit.

On motion by Bill Davis, seconded by Randy Shellack, and unanimously carried, the Planning Commission closed the public hearing.

Bill Davis brought up the subject of placing fences and trees on property lines. He believes that the property line is not owned by anyone and there should be a setback for planting trees or installing fences.

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit. All the items can be addressed with conditions and none of them warranted further discussion.

On motion by Randy Shellack, and seconded by Andrea Koczur, and unanimously carried, the Planning Commission approved the request for the Conditional Use Permit, to include all the previous outlined conditions placed during the hearing for the platted subdivision.

UNFINISHED BUSINESS

- **Fill Planning Commission Seat for Incorporated area of County**

Steve Mortenson was present at the meeting. He has submitted an Interest form to be recommended to be chosen for the vacant position. Mortensen spoke about his background, history, past meeting attendance and employment.

On motion by Andrea Koczur, seconded by Joel Paulsen, and unanimously carried, the Planning Commission approved to recommend to the County Board of Commissioners to approve Steve Mortensen as a member of the Planning Commission to fill the currently vacant position.

NEW BUSINESS

- Hali Durand spoke about a new handout being created to assist members on the Planning Commission to assist them in their work on the Commission. The handout touches on the By-Laws, as well as other pertinent history and information. She also discussed the make-up of representation of the Planning Commission members. The handout also includes a list of training opportunities. A copy of the handout was given to each Planning Commission member. There will be a short refresher presentation given in the near future for current Planning Commission members.
- Amos Baer brought up a case that was recently heard in court and the results of that case were discussed as they pertained to the Planning & Zoning office. Allowed uses on zoned property was discussed.

Adjourn:

On motion by Randy Shellack, and seconded by Andrea Koczur, the meeting adjourned at 8:10 p.m.

Mark Klevgaard, Planning Commission Secretary